

**KLEINBERG, KAPLAN, WOLFF & COHEN, P.C.**

ATTORNEYS AT LAW

551 FIFTH AVENUE

NEW YORK, NEW YORK 10176

(212) 986-6000

FACSIMILE: (212) 986-8868

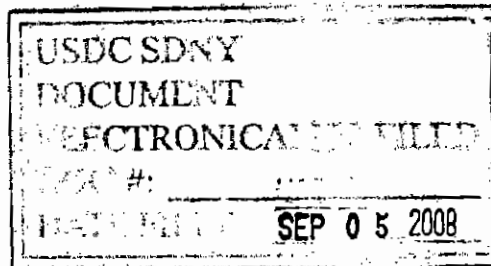
www.kkwc.com

FREDRIC A. KLEINBERG  
 MYRON KAPLAN  
 NORRIS D. WOLFF  
 JAMES R. COHEN  
 STEPHEN M. SCHULTZ  
 DAVID PARKER  
 JEFFREY S. BORTNICK  
 MARTIN D. SKLAR  
 JAMES R. LEDLEY<sup>+</sup>  
 PHILIP S. GROSS<sup>+</sup>  
 CHRISTOPHER P. DAVIS  
 LAWRENCE D. HUI  
 ANDREW M. CHONOLIS  
 ERIC S. WAGNER  
 ROSS L. YUSTEIN<sup>+</sup>  
 SHARON M. TOMAO  
 ROBERT S. SCHNEIDER  
 MAX KARPEL  
 JAMES D. MCCANN  
 Direct Dial: 212.880.9897  
 E-Mail: MRosen@KKWC.com

MAURICE S. SPANBOCK  
 BRUCE D. STEINER<sup>+</sup>  
 ROBERT L. BERMAN<sup>+</sup>  
 MATTHEW J. GOLD  
 JODI F. KRIEGER<sup>+</sup>  
 EUCHUNG UNG  
 OF COUNSEL

JAMES I. RAPP  
 MARC R. ROSEN<sup>+</sup>  
 JASON P. GRUNFELD  
 JAMIE L. NASH  
 IVANA VUJIC  
 MONIKA JAIN  
 KELLY E. ZELEZEN  
 DAVID Y. PARK  
 SOFIA S. TSYTSAREV  
 STEVE D. KIM  
 DANIELLE A. ROTHMAN  
 CHRIS M. TERRY<sup>+</sup>  
 GREG KRAMER  
 JASON DIENER<sup>+</sup>  
 ANTHONY F. MONTARULI

<sup>+</sup>ALSO ADMITTED IN NJ  
<sup>+</sup>ALSO ADMITTED IN FL  
<sup>+</sup>ALSO ADMITTED IN DC  
<sup>+</sup>ADMITTED ONLY IN HI



September 4, 2008

**Via Facsimile (212-805-0426)**

Hon. Laura T. Swain  
 United States District Court  
 Southern District of New York  
 United States Courthouse  
 500 Pearl Street  
 New York, New York 10007-1312

**MEMO ENDORSED**

re: **DK Acquisition Partners, L.P., et al. v. JPMorgan Chase & Co., et al.,  
 No. 08 Civ. 0446 (LTS) (JCF) (the "DK Action")**

**Avenue Capital Management II, L.P., et al. v. J.P. Morgan Chase & Co.,  
 et al., No. 08 Civ. 0447 (LTS) (JCF) (the "Avenue Capital Action")**

Dear Judge Swain:

On behalf of the plaintiffs in the above-referenced actions, pursuant to Rule 1.E of Your Honor's Individual Practices, I respectfully request that the time of the plaintiffs in the DK Action and the Avenue Capital Action to oppose the Motion by Defendants for Summary Judgment based on Plaintiffs' Standing To Assert Certain Claims Acquired from Third Parties (Docket No. 39 in the DK Action; Docket No. 20 in the Avenue Capital Action), be extended to October 1, 2008, and that the time of the defendants to reply be extended to December 3, 2008.

The defendants' motion alleges deficiencies in more than \$400 million of debt acquired by the plaintiffs from third parties and challenges the plaintiffs' standing to assert the claims in this action. The plaintiffs seek additional time because preparation of their opposition requires the assembly of a substantial amount of documentation establishing the chain of title of the debt and the claims at issue. The plaintiffs require

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more time to continue compiling the underlying documentation – an extensive, labor-intensive job – and to confer with the defendants' counsel in the near future in the hopes of resolving this motion, at least in part.

In accordance with the Local Rules, we note that the original due date for the plaintiffs' opposition was July 25, 2008, and the original due date for the defendants' reply was August 1, 2008. These due dates were extended to September 9, 2008 (plaintiffs' opposition) and October 24, 2008 (defendants' reply) pursuant to a stipulation between the parties (Docket No. 46 in the DK Action; Docket No. 26 in the Avenue Capital Action), which was so-ordered on August 11, 2008. Today's application is the first request for an extension of the stipulated briefing schedule. The requested extension would not impact any other previously scheduled dates.

Counsel for the defendants have consented to this request for an extension.

For the reasons explained above, I respectfully request that the plaintiffs' time to oppose the Motion by Defendants for Summary Judgment based on Plaintiffs' Standing To Assert Certain Claims Acquired from Third Parties be extended to October 1, 2008, and that the defendants' time to reply be extended to December 3, 2008.

Thank you for your attention to this matter.

Yours respectfully,



Marc Rosen  
Counsel for DK Plaintiffs

cc: David Woll (by email)  
Alan C. Turner (by email)  
Counsel for JPMorgan Chase Defendants

Michael E. Gertzman (by email)  
H. Seiji Newman (by email)  
Counsel for Citigroup Defendants

J.B. Heaton (by email)  
David Parker (by email)  
Counsel for DK Plaintiffs

David A. Barrett (by email)  
Magda Jimenez (by email)  
Counsel for Avenue Capital Plaintiffs

*The request is granted.*

**SO ORDERED.**

NEW YORK, NY

*Sep 4, 2008*



LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE